

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 42, 45-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,667,419 to Spector in view of U.S. Patent No. 6,000,637 to Duncan.

Regarding Claim 1, an interlocking animal toy system comprising, a first toy (Spector Fig. 1 #18 or visa versa Fig/ 2 #11) and a second toy (Spector Fig. 2 #11 or visa versa Fig. 1 #18) each having; a body wherein the body comprises a chamber and at least one side hole (Spector Fig. 3 side hole of first toy and second toy is at the end of #18 near #20); a top hole wherein the top hole comprises a flared rim and the diameter of the flared rim of the top hole at a first point is greater than the diameter of the top hole at a second point, where in the second point is more proximal to the chamber then the first point (Spector first toy flared rim is Fig. 3 #14a).

Spector is silent on the second toy having a flared rim. However, Duncan teaches a toy with a flared rim at the top opening (Duncan Fig, 1 #21 and #26). It would have been obvious to one of ordinary skill in the art to modify the teachings of Spector with the teachings of Duncan at the time of the invention for high pressure applications. The modification is merely a simple substitution of one known element for another to

obtain predictable results and/or the application of a known technique to a known device ready for improvement to yield predictable results.

Spector as modified teaches the at least one side hole of one toy is configured to receive the flared rim of the top hole of the other toy, such that when the flared rim of one toy is inserted into the side hole of the other toy, the first toy and the second toy are interlocked (Spector Fig. 3); and wherein the chamber is configured to hold food for an animal (Functional language that the structure of Spector is capable of performing; water could also be considered food), and wherein the top hole of the second toy and the at least one side hole of the first toy are configured to dispense the food when the first and second toy are interlocked.

Regarding Claim 42, Spector as modified teaches wherein the diameter of the at least one side hole is smaller than the diameter of the flared rim at the first point (Spector side hole in Fig. 3 that element #22 rests on top of).

Regarding claim 45, Spector as modified teaches wherein the first toy or the second toy further comprises a bottom hole directly opposite the top hole on the body (Spector Fig. 2).

Regarding Claim 46, Spector as modified teaches the flared rim and the body are separated by a passage (Spector #14 and Duncan #22).

Regarding claim 47, Spector as modified teaches a nozzle leading from the chamber to the top hole (Spector #14 and Duncan #22).

Regarding Claim 48, Spector as modified teaches the passageway of the first toy (Spector #11) is configured to provide passage for the food in the chamber of the first to

enter the chamber of the second toy (Spector Fig. 1 #18) when the flared rim of the first toy is inserted into the side hole of the second toy (Spector Fig. 3).

Regarding Claim 49, Spector as modified teaches the passageway of the second toy is configured to dispense the food in the chamber of the second toy when the flared rim of the first toy is inserted into the side hole of the second toy (Spector Fig. s #11 inserted into #18).

Regarding Claim 50, Spector as modified teaches the interlocking first and second toys are configured to remain connected until the toys are disconnected by pulling the second toy away from the first toy to remove the flared rim of the first toy from the second toy (Spector Fig. 3 need to pull on #18 at the flared end to remove #11 from it).

Regarding Claim 51, Spector as modified is silent on the first and second toy comprising more than one side hole. However, it would have been obvious to one of ordinary skill in the art to further modify the teachings of Spector at the time of the invention since the modification is merely the duplication of a known element for a multiple effect to accommodate more than one water gun or based on the anatomical features of the aesthetic toy animal selected. [*In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1060)].

Allowable Subject Matter

Claims 43 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 142, 45-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREA M. VALENTI whose telephone number is (571)272-6895. The examiner can normally be reached on 6:00am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea M. Valenti/
Primary Examiner, Art Unit 3643

08 April 2008